



Legislation Text

File #: MIN-89:545, **Version:** 1

Minutes for the City Council meeting on October 2, 1989
PUBLIC HEARING

A Public Hearing was held at 6:50 p.m. regarding the abandonment of Lot 15 of J. A. Lamberth Subdivision and lots 16 and 18 of the replat of lots 16 - 18 and 21 of J. A. Lamberth Subdivision by Tommy Davis. Warren Dupwe was the attorney for the matter. No opposition was voiced.

APPEAL HEARING

An appeal of the MAPC decision regarding rezoning of property R-1 to R-3 and approval of replats of lots 1, 2, 15 - 28 and 43 - 47 of Ruth Ann Subdivision located SE of Aggie Rd. on Mark St. and on Holmes St. was held for Robert Rees. Skip Mooney, Sr. was the attorney for the matter. Numerous residents in the area voiced opposition.

CITY COUNCIL MINUTES - OCTOBER 2, 1989

The Jonesboro City Council met at 7:30 p.m. in regular session. Present were Mayor, City Clerk, City Attorney, and all Aldermen.

The minutes of September 18, 1989, were approved as mailed on motion by Mr. Stricklin, seconded by Mr. Evans. All voted aye.

Regarding the appeal of Mr. Robert Rees regarding rezoning property R-1 to R-3 in Ruth Ann Subdivision, SE of Aggie Rd. on Mark St. and on Holmes Rd., Mr. Park moved, seconded by Mr. Bridger to uphold the decision of the MAPC by denying the rezoning request R-1 to R-3. A roll call vote was taken. Aldermen Hannah, Park, Stricklin, Evans, Bridger, Province, Mays, Sanderson, Strauser, Hinson and Nix voted aye. Aldermen Shelton and Hinson voted nay. The motion passed 10-2.

Dr. Strauser offered the following ordinance:

AN ORDINANCE TO VACATE AND ABANDON JAY COVE IN JONESBORO, AR

Mr. Stricklin moved, seconded by Mr. Nix to place the ordinance on second reading. All voted aye. Mr. Nix moved, seconded by Mr. Stricklin to further suspend the rules and place the ordinance on the third and final reading. All voted aye with the exception of Mr. Park who voted nay. Mr. Nix moved, seconded by Mr. Shelton to adopt the ordinance subject to the easements and with the emergency clause. All voted aye. The ordinance was given the number 2217.

Mr. Nix offered the following ordinance for first reading:

AN ORDINANCE TO AMEND NO. 2203; DECLARING AN EMERGENCY; AND

FOR OTHER PURPOSES

Mr. Park moved, seconded by Mr. Hinson to suspend the rules and place the ordinance on second reading. All voted aye. Mr. Evans moved, seconded by Mr. Stricklin to further suspend the rules and place on third reading. All voted aye with the exception of Mr. Park who voted nay. Mr. Stricklin moved, seconded by Dr. Strauser for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2218.

The following ordinance was on third reading:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Mr. Hannah noted R-1 would be backing up to C-3 and requested a buffer zone be provided and asked MAPC to consider same when submission for a final site plan was requested. Mr. Evans moved, seconded by Mr. Park for the adoption of the ordinance with the emergency clause and with the following stipulations: 1) the power line easement being shown on plat 2) show the right of way on U. S. Highway 49 as being 50' from centerline on all property adjoining the highway 3) a site plan being presented before issuance of a building permit. All voted aye. The ordinance was given the number 2219.

The following ordinance was on third reading:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Mr. Mays moved to change the zoning request from I-1 to I-2 upon the recommendation of the City Planner. The motion failed due to lack of a second. Mr. Evans moved, seconded by Mr. Shelton for the adoption of the ordinance with the emergency clause. A roll call vote was taken and Aldermen Evans, Shelton, Sanderson, Strauser, and Hinson voted aye. Aldermen Hannah, Park, Stricklin, Bridger, Province, Mays, and Nix voted nay. The motion failed 5-7.

The following ordinance was on third reading:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Mr. Hannah moved, seconded by Mr. Shelton for the adoption of the ordinance with the emergency clause and with the MAPC stipulations that light manufacturing be stricken from the uses on lot 1, but not on lot 2 and that the owner's representative work out the drainage easement on the south side with the City Engineer. All voted aye. The ordinance was given the number 2220.

The following ordinance was on second reading:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Mr. Shelton moved, seconded by Mr. Nix to suspend the rules and place on third reading. All voted aye. Mr. Nix moved, seconded by Mr. Hinson to adopt the ordinance with the emergency clause. All voted aye. The

ordinance was given the number 2221.

The following ordinance was on third reading:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Mr. Park moved, seconded by Mr. Stricklin for the adoption of the ordinance with the emergency clause and with the MAPC stipulations that the drainage easement along Higginbotham Creek be worked out with the City Engineer. All voted aye. The ordinance was given the number 2222.

The following ordinance was on third reading:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Attorney Dennis Zolper stated the property owners do not have the resources to meet the stipulations of MAPC regarding paving, curbing, and guttering of streets and placing an estimated \$30,000.00 in escrow. He requested the ordinance be tabled until further discussion of guidelines regarding annexed lands. Mr. Stricklin moved, seconded by Mr. Park to table the ordinance. All voted aye.

Mr. Mays offered the following ordinance:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF A MOTOR VEHICLE FOR THE CITY OF JONESBORO AND FOR OTHER PURPOSES

Dr. Strauser moved, seconded by Mr. Evans to suspend the rules and place the ordinance on second reading. All voted aye. Dr. Strauser further moved, seconded by Mr. Shelton to suspend the rules and place the ordinance on the third reading. All voted aye. Mr. Stricklin moved, seconded by Mr. Evans to adopt the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2223.

The following requests were made for mobile home placement:

- 1) LaVerne Wallace - 915 Burke - Mr. Hannah moved, seconded by Mr. Stricklin to allow the placement. All voted aye.
- 2) Eric and Patricia Gardener - Rt. 3 - Mr. Hannah moved, seconded by Mr. Stricklin to allow a temporary placement to be reviewed in one year time. All voted aye.
- 3) Perry Cope - Prospect Rd. - Mr. Shelton moved, seconded by Mr. Nix to change non-conforming status of existing mobile home to conforming status. All voted aye.

The following bids were up for review:

89:29 - microfilm - Clerks records

Mr. Hannah moved, seconded by Mr. Stricklin to approve the low bid meeting specifications from Jonesboro Microfilm for \$600. Mr. Hannah noted the bid was \$150 under budget; would include (3) three copies for in-house use, on-site security storage and for public viewing at the Craighead County Public Library. All voted aye.

89:30 - Mosquito Control - 1 ULV mosquito sprayer

Mr. Hannah moved, seconded by Mr. Park to accept the low bid meeting specifications from ADAPTCO with a (2) two year warranty and noted a \$500 savings would result from making the purchase at this time. All voted aye.

Mr. Mays offered a resolution accepting and unnamed industry for the AR Enterprise Zone. Mr. Park moved, seconded by Mr. Nix for the adoption of the resolution. All voted aye. The resolution was given the number 1989-47.

Mr. Park moved, seconded by Mr. Stricklin to approve a renewal of a (5) five-year lease with Southwest Church of Christ for Optimist Club Park on Church property off West Nettleton. All voted aye.

The City Attorney presented a report on action to be taken regarding extractive use of property located at NW corner of Hwy 63 Bypass and Woodsprings Rd. Mr. Nix asked that Mr. Burton take any legal action necessary if illegal activity occurs at the location which violates city ordinances.

The Mayor announced a major firm has decided to locate a manufacturing operation in the Craighead Technology Park and that further details would be given at a press conference at Arkansas State University Convocation Center on October 3.

Mr. Hannah offered a resolution commending Police Chief Dean Bradley. Mr. Hannah moved, seconded by Mr. Stricklin for the adoption of the resolution. All voted aye. The resolution was given the number 1989-48.

Dr. Strauser moved, seconded by Mr. Shelton to authorize the Mayor to renegotiate property on the railroad spur. All voted aye.

Sgt. Rohnny McDaniel approached the lecture and asked to address the Council. He stated that he appeared before the Council in 1981 and was denied a chance to address Aldermen and that he obtained a Writ of Mandamus from the Court stating that any citizen could not be refused the right of addressing the Council. He added that the Constitution grants the absolute right to address the governing body. Mayor Brodell read the written statement provided by Mr. McDaniel to the City Clerk requesting to be placed on the agenda on October 2, 1989, which stated A the subject matter will pertain to the investigation of test cheating within the Jonesboro Police Department. He further stated he denied the request to place Mr. McDaniel on the agenda because he should follow the chain of command if he has knowledge of any additional information. The Mayor added that the statements Mr. McDaniel desired to make should be addressed to the Police Chief, the Police Committee or the Civil Service Commission, not the City Council, noting that he can appeal any action of the Commission to the Court. The Mayor stated the Commission has not voted to close the investigation. He then asked the City clerk to read a written legal opinion from Attorney Bill Bristow which stated A the Council is not a forum for any police officer to air gripes against other officers rather than utilizing the Police Department's chain of command and the Civil Service Commission. He then asked Aldermen to endorse his decision not to hear Mr. McDaniel. Mr. Sanderson moved, seconded by Mr. Shelton to not allow Mr. McDaniel to address the Council. A roll call vote was taken and all voted aye. The motion carried 12-0.

With no further business, the meeting adjourned.